

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES PHILIP DOUGLAS,

Petitioner,

v.

ROBERT MASKO,

Respondent.

No. C09-5439 RJB/KLS

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of Magistrate Judge Karen L. Strombom (Dkt. 39), objections to the Report and Recommendation filed by Petitioner James Phillip Douglas (Dkts. 43, 56), and Petitioner's motion to add or update respondents (Dkt. 50). The Court has considered the pleadings filed and the remaining record herein.

On September 21, 2009, Petitioner James Philip Douglas filed a petition seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254. Dkt. 8. On March 19, 2010, Mr. Douglas filed a "Motion for Habeas Corpus Judgment," requesting a determination that his speedy trial rights have been violated. Dkt. 18. This case was referred to Magistrate Judge Karen L. Strombom, who issued a Report and Recommendation regarding the case on August 16, 2010. Dkt. 39. Mr. Douglas filed initial objections to the Report and Recommendation on August 26, 2010 (Dkt. 43) and additional objections on October 20, 2010 (Dkt. 56).

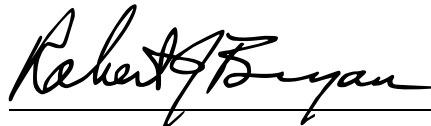
1 As a preliminary matter, the Court agrees with the Magistrate Judge that Martha Karr, the
2 current Chief of Corrections, should be substituted for Robert Masko, the former Chief of
3 Corrections, as the correct party who has custody and control of Mr. Douglas. As a result, Mr.
4 Douglas' motion to add or update respondents (Dkt. 50) should be stricken as moot.

5 Regarding the issues raised by Mr. Douglas in his habeas petition, the Court concurs with
6 the well-reasoned analysis of the Magistrate Judge. Mr. Douglas has not yet exhausted his state
7 court remedies with regard to his claims that (1) he has been held beyond his maximum release
8 date in cause No. 04-1-05086-5, (2) he has been held beyond his maximum release date in cause
9 No. 04-1-03902-1, or (3) his speedy trial rights in cause No. 04-1-05086-5 have been violated.
10 Accordingly, Mr. Douglas' claims should be dismissed without prejudice.
11

12 Therefore, it is hereby **ORDERED** that:

- 13 (1) Petitioner's objections (Dkts. 43, 56) are **OVERRULED**;
14
15 (2) The Court **ADOPTS** the Report and Recommendation (Dkt. 39);
16
17 (3) Petitioner's claims are not exhausted and are **DISMISSED WITHOUT**
18 **PREJUDICE**;
19
20 (4) The Clerk is directed to substitute the Respondent as Martha Karr;
21
22 (5) Petitioner's motion to add or update respondents (Dkt. 50) is **STRICKEN AS**
23 **MOOT**;
24
25 (6) The Clerk is directed to send copies of this Order to Petitioner, counsel for
26 Respondent, and to the Hon. Karen L. Strombom.

DATED this 8th day of November, 2010.



ROBERT J. BRYAN
United States District Judge